

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**FILED**

APR 12 2000

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

MARCUS KNIGHT

CR. No. 93-313-N

**O R D E R**

Before the court is the Recommendation Of The Magistrate Judge, filed March 28, 2000, and Defendant's Objections, filed March 30, 2000. Upon CONSIDERATION thereof, it is ORDERED as follows:

1. That the Recommendation Of The Magistrate Judge be and the same is hereby ADOPTED, APPROVED and AFFIRMED.

2. That, for the reasons stated in the Recommendation Of The Magistrate Judge, Defendant's Motion To Vacate, Set Aside Or Correct Sentence ("Motion"), filed April 17, 1997, pursuant to 28 U.S.C. § 2255, be and the same is hereby GRANTED in part and DENIED in part as follows:

(a) Defendant's Motion to vacate his judgment of conviction and sentence on Count 4 under 18 U.S.C. § 924(c) be and the same is hereby GRANTED and Defendant's judgment of conviction and sentence on Count 4 be and the same is hereby VACATED and SET ASIDE.

(b) In all other respects, Defendant's Motion be and the same is hereby DENIED; and


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(c) Defendant's Objections be and the same are hereby OVERRULED.

3. Defendant's judgment of conviction and sentence on Count 3 shall remain in full force and effect.

The Clerk of the Court is DIRECTED to serve copies of this order on Defendant, the United States, the United States Probation Office, and the Bureau of Prisons.

DONE this the 12<sup>th</sup> day of April, 2000.

  
UNITED STATES DISTRICT JUDGE